

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
CAROLYN PEHRSON	§	CASE NO. 16-11077-HCM
	§	
DEBTOR	§	CHAPTER 13

**CHAPTER 13 TRUSTEE’S OBJECTION TO CONFIRMATION OF PROPOSED
CHAPTER 13 PLAN AND REQUEST FOR INTERIM DISBURSEMENT**

TO THE HONORABLE JUDGE H. CHRISTOPHER MOTT, UNITED STATES
BANKRUPTCY JUDGE:

Comes now Deborah B. Langehennig, Chapter 13 Trustee (hereinafter “Trustee”) in the above-captioned and numbered bankruptcy proceeding, and files this *Objection to Confirmation of Proposed Chapter 13 Plan and Request for Interim Disbursement*. The Trustee submits the proposed plan does not meet the requirements of 11 U.S.C. §1325(a) and §1325(b) and in support would respectfully show:

I.

Pursuant to the Debtor’s testimony at the 341 meeting, some expenses and debts are not disclosed in the current schedules. The schedules are incomplete and need amendment as discussed at the Section 341 meeting of Creditors on October 19, 2016.

II.

The plan needs amendment as discussed at the Section 341 meeting on October 19, 2016. The treatment of the claims of Cook Moving System and McCollistor’s Transportation is inconsistent and unclear.

III.

Documents in support of income must be provided as discussed at the Section 341 meeting on October 19, 2016.

IV.

The Plan as proposed does not make any provision for an increased plan payment upon termination of certain scheduled expenses which, pursuant to Debtor's testimony, is anticipated to occur prior to completion of the Plan term as proposed. The Debtor has failed to provide that all disposable income will be paid into the Plan per the requirements of 11 U.S.C. §§1325(b)(1)(B) and (b)(2)(A). *In the Matter of Nowlin*, 576 F.3d 258 (5th Cir. 2009).

V.

The Trustee requests evidence that the student loan claim payments are being made timely pursuant to the provisions of the plan. Schedule J should be amended to reflect the direct payment of student loan obligations that come due post-petition.

VI.

Debtor is proposing to pay for the full amount of debts for which her spouse is jointly liable, without a contribution from the spouse toward repayment of the debt.

VII.

The undisclosed claim of Discover must be scheduled and funding for payment of the claim provided for in the plan.

VIII.

The Debtor must file a Declaration Concerning Confirmation Requirements no later than 7 days prior to Confirmation Hearing.

IX.

The Trustee submits the proposed plan does not meet the requirements of 11 U.S.C. §1325(a) and §1325(b).

To the extent that the Trustee has funds on hand, the Trustee requests that should confirmation of the proposed Plan be denied or reset, she be authorized to immediately disburse, pre-confirmation, the funds on hand to creditors with allowed secured and/or priority claims provided for in the proposed Plan on a pro rata basis, along with the payment of the Trustee fee for disbursement, on a monthly basis following entry of the Order Denying Confirmation.

PRAYER

The Trustee requests that the Debtor appear at the confirmation hearing. If these issues are not fully resolved, the Trustee requests that confirmation be denied and that the case be dismissed.

Respectfully submitted,

/S/ Deborah B. Langehennig
Deborah B. Langehennig / 01493880
Chapter 13 Trustee
6201 Guadalupe St
Austin, Texas 78752
(512) 912-0305 Telephone

**UNITED STATES BANKRUPTCY COURT
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IN RE:

CASE NO. 16-11077-HCM

CAROLYN SONJA PEHRSON

DEBTOR

CHAPTER 13

CERTIFICATE OF SERVICE

I, Deborah B. Langehennig, certify that a true and correct copy of the Chapter 13 Trustee's Objection to Confirmation has been mailed by US Mail (unless otherwise notated) to the Debtor and the Debtor's Attorney of Record at the addresses listed below on or about October 31, 2016.

F E WALKER AND
ASSOCIATES
609 CASTLE RIDGE ROAD STE
220
AUSTIN, TX 78746
(SERVED ELECTRONICALLY)

CAROLYN SONJA PEHRSON
6500 CHAMPION GRAND VIEW
WAY 8212
AUSTIN, TX 78750

U.S. TRUSTEE
903 SAN JACINTO, SUITE 230
AUSTIN, TX 78701
(SERVED ELECTRONICALLY)

Respectfully submitted,

/s/ Deborah B. Langehennig

Deborah B. Langehennig
6201 Guadalupe Street
Austin, TX 78752